

No sea otter in need of veterinary care shall be transported in commerce, unless such transportation is for the purpose of obtaining such care.

(d) Polar bears need not be accompanied by an employee or attendant of the shipper or receiver, unless the period of transportation will exceed 24 hours in duration. During surface transportation, it shall be the responsibility of the carrier to inspect polar bears unaccompanied by an employee or attendant at least every 4 hours to determine whether they need veterinary care and to provide any needed veterinary care as soon as possible. When transported by air, live polar bears unaccompanied by an employee or attendant, shall be inspected by the carrier at least every 4 hours if the animal cargo space is accessible during flight. If the animal cargo space is not accessible during flight, the air carrier shall inspect such live unattended polar bears whenever loaded and unloaded and whenever the animal cargo space is otherwise accessible to determine whether such unattended live animals need veterinary care, and the carrier shall provide any needed veterinary care as soon as possible. No polar bear in need of veterinary care shall be transported in commerce, unless such transportation is for the purpose of obtaining such care.

(e) Wild or otherwise dangerous marine mammals shall not be taken from their primary enclosure except under extreme emergency conditions and then only by their trainer or other person who is capable of handling such mammals safely.

[44 FR 36874, June 22, 1979, as amended at 49 FR 26686, June 28, 1984]

§ 3.117 Terminal facilities.

Carriers and intermediate handlers shall not commingle marine mammal shipments with inanimate cargo. All animal holding areas of a terminal facility of any carrier or intermediate handler wherein marine mammal shipments are maintained shall be cleaned and sanitized in a manner prescribed in § 3.107 of the standards often enough to prevent an accumulation of debris or excreta, to minimize vermin infestation, and to prevent a disease hazard. An effective program for the control of

insects, ectoparasites, and avian and mammalian pests shall be established and maintained for all animal holding areas. Any animal holding area containing marine mammals shall be provided with fresh air by means of windows, door, vents, or air conditioning and may be ventilated or air circulated by means of fans, blowers, or an air conditioning system so as to minimize drafts, odors, and moisture condensation. Auxiliary ventilation, such as exhaust fans and vents or fans or blowers or air conditioning shall be used for any animal holding area containing marine mammals when the air temperature within such animal holding area is 23.9° C. (75° F.) or higher. The air temperature around any marine mammal in any animal holding area shall not be allowed to fall below 7.2° C. (45° F.). The air temperature around any polar bear shall not be allowed to exceed 29.5° C. (85° F.) at any time and no polar bear shall be subjected to surrounding air temperatures which exceed 23.9° C. (75° F.) for more than 4 hours at any time. To ascertain compliance with the provisions of this paragraph, the air temperature around any marine mammal shall be measured and read outside the primary enclosure which contains such animal at a distance not to exceed .91 meters (3 feet) from any one of the external walls of the primary enclosure and on a level parallel to the bottom of such primary enclosure at a point which approximates half the distance between the top and bottom of such primary enclosure.

[44 FR 36874, June 22, 1979, as amended at 49 FR 26686, June 28, 1984]

§ 3.118 Handling.

(a) Carriers and intermediate handlers shall move marine mammals from the animal holding area of the terminal facility to the primary conveyance and from the primary conveyance to the animal holding area of the terminal facility as expeditiously as possible. Carriers and intermediate handlers holding any marine mammal in an animal holding area of a terminal facility or in transporting any marine mammal from the animal holding area of the terminal facility to the primary

conveyance and from the primary conveyance to the animal holding area of the terminal facility, including loading and unloading procedures, shall provide the following:

(1) *Shelter from sunlight.* When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to protect the marine mammals from the direct rays of the sun and such marine mammals shall not be subjected to surrounding air temperatures which exceed 29.5° C. (85° F.), and which shall be measured and read in the manner prescribed in § 3.117 of this part, for a period of more than 45 minutes.

(2) *Shelter from cold weather.* Transporting devices shall be covered to provide protection for marine mammals when the outdoor air temperature falls below 10° C. (50° F.) and such marine mammals shall not be subjected to surrounding air temperatures which fall below 7.2° C. (45° F.), and which shall be measured and read in the manner prescribed in § 3.117 of this part, for a period of more than 45 minutes unless such animals are accompanied by a certificate of acclimation to lower temperatures as prescribed in § 3.112(c).

(b) Care shall be exercised to avoid handling of the primary enclosure in such a manner that may cause physical or emotional trauma to the marine mammal contained therein.

(c) Primary enclosures used to transport any marine mammal shall not be tossed, dropped, or needlessly tilted and shall not be stacked in a manner which may reasonably be expected to result in their falling.

[44 FR 36874, June 22, 1979, as amended at 49 FR 26686, June 28, 1984]

Subpart F—Specifications for the Humane Handling, Care, Treatment, and Transportation of Warmblooded Animals Other Than Dogs, Cats, Rabbits, Hamsters, Guinea Pigs, Nonhuman Primates, and Marine Mammals

SOURCE: 36 FR 24925, Dec. 24, 1971, unless otherwise noted. Redesignated at 44 FR 36874, July 22, 1979.

FACILITIES AND OPERATING STANDARDS

§ 3.125 Facilities, general.

(a) *Structural strength.* The facility must be constructed of such material and of such strength as appropriate for the animals involved. The indoor and outdoor housing facilities shall be structurally sound and shall be maintained in good repair to protect the animals from injury and to contain the animals.

(b) *Water and power.* Reliable and adequate electric power, if required to comply with other provisions of this subpart, and adequate potable water shall be available on the premises.

(c) *Storage.* Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against deterioration, molding, or contamination by vermin. Refrigeration shall be provided for supplies of perishable food.

(d) *Waste disposal.* Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals, trash and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors, and disease hazards. The disposal facilities and any disposal of animal and food wastes, bedding, dead animals, trash, and debris shall comply with applicable Federal, State, and local laws and regulations relating to pollution control or the protection of the environment.

(e) *Washroom and sinks.* Facilities, such as washrooms, basins, showers, or sinks, shall be provided to maintain cleanliness among animal caretakers.

[36 FR 24925, Dec. 24, 1971. Redesignated at 44 FR 36874, June 22, 1979, and amended at 44 FR 63492, Nov. 2, 1979]

§ 3.126 Facilities, indoor.

(a) *Ambient temperatures.* Temperature in indoor housing facilities shall be sufficiently regulated by heating or cooling to protect the animals from the extremes of temperature, to provide for their health and to prevent their discomfort. The ambient temperature shall not be allowed to fall below nor rise above temperatures compatible with the health and comfort of the animal.